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FREDERICK A. BLACK
United States Attorney
ROBERT W. PEARSON
Special Assistant U.S. Attorney
Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagåtña, Guam 96910-5059
TEL: (671) 472-7332
FAX: (671) 472-7215

FILED
DISTRICT COURT OF GUAM
JUL 03 2002
MARY L. M. MORAN
CLERK OF COURT

Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN S. LEON GUERRERO,

Defendant,

NIPPON RENT-A-CAR,

Garnishee.

CIVIL CASE NO. 02-00005

**FINAL ORDER IN
CONTINUING GARNISHMENT**

FINAL ORDER IN CONTINUING GARNISHMENT

This matter is before the Court for consideration of the entry of a final order in continuing garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3205, against the non-exempt earnings of the judgment defendant, BRIAN S. LEON GUERRERO.

An Application of Writ of Continuing Garnishment directed to Garnishee has been duly issued and served upon the Garnishee. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an Answer stating that at the time of the service of the Writ he had in his possession or under his control personal property belonging to and due defendant, in the form of earnings.

1 The defendant was served with a copy of the Writ of Continuing Garnishment and
2 notified of his right to a hearing. The defendant has not requested a hearing to determine exempt
3 property.

4 Whereupon the Court, having considered the Application for a Writ of Continuing
5 Garnishment against the earnings of the Defendant, the Answer of the Garnishee, and noting that
6 the defendant, BRIAN S. LEON GUERRERO, has not exercised his right to request a hearing
7 now finds that the entry of a final order of continuing garnishment is in all respects proper.

8 IT IS THEREFORE ORDERED Garnishee shall pay to plaintiff the lesser of a) 25% for
9 any workweek, pursuant to 15 U.S.C. § 1673(a), of defendant's disposable earnings or b) the
10 amount by which defendant's disposable earnings exceed 30 times the federal minimum hourly
11 wage. "Disposable earnings" are those earnings remaining after deductions of any amount
12 required by law to be withheld, such as social security and withholding taxes. These payments
13 shall be made at the same time the employee is paid and shall continue until the debt to the
14 plaintiff is paid in full or the Garnishee no longer has custody, possession or control of any
15 property belonging to the debtor or until further Order of this Court. Payments shall be made
16 payable to the "U.S. Department of Justice" and sent to the U.S. Attorney's Office, Sirena
17 Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagåtña, Guam 96910-5059.

18 IT IS FURTHER ORDERED that any amounts which the Garnishee and/or Clerk of
19 U.S. District Court of Guam may be holding pursuant to the Writ of Continuing Garnishment
20 shall immediately be turned over to the U.S. Attorney's Office at the above address.

21 DATED this 2nd day of July, 2002.

22 HON. FRANCES M. TYDINGCO-GATEWOOD
23 Designated Judge

24 
25 JOHN S. UNPINGCO

26 Chief Judge
27 U.S. District Court of Guam
28

RECEIVED

JUN 25 2002

DISTRICT COURT OF GUAM
HAGATNA, GUAM